

*** The Hon’ble Sri Justice V.V.S.RAO**

+ Writ Petition No.5160 of 1999

% 07.3.2006

£ N.Laxmipati Sastry, S/o.late N.Krishnamurthy

...Petitioner

Vs.

\$ Registrar, Osmania University, Hyderabad
and another

... Respondents

! For the petitioner : Sri P.S.Murthy

^ For the Respondents : Sri Deepak Bhatta Charjee,
Standing Counsel for Osmania University

<Gist:

>Head Notes:

? Cases Referred

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5160 OF 1999

07.3.2006

Between:

N.Laxmipati Sastry, S/o.late N.Krishnamurthy

... Petitioner

AND

Registrar, Osmania University, Hyderabad

And another

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5160 OF 1999

ORDER:

The petitioner invokes the jurisdiction of this Court seeking a direction to respondent Osmania University to permit the petitioner to sit for third year LL.B., Degree examination by declaring that he is entitled to sit for the examination.

The fact of the matter is not much in dispute. Briefly stated, it is as follows. For over a decade, the admission to first year B.L./LL.B., course in Andhra Pradesh is through an entrance test known as Law Common Entrance Test (LAWCET, for brevity). In 1991, large number of private law colleges filed writ petitions before this Court seeking a declaration that private law colleges are entitled to admit students, who have not passed LAWCET 1991. Pending such writ petitions, it appears that Y.P.R. Law College, Malkajgiri (not a party to this writ petition) issued a notification inviting applications from graduates for admission to LL.B., first year course without LAWCET 1991 for the academic year 1991-1992. The petitioner secured admission in Y.P.R. Law College and joined the college some time in the beginning of 1991. However, as per the procedure, when the names of the candidates were submitted to Osmania University for approval, the University did not approve the admission of about 50 students of Y.P.R. Law College. This included the petitioner as well.

It appears, various private Colleges carried the matter to Supreme Court against the judgment of this Court and the Supreme Court directed Osmania University to permit the students of Y.P.R. Law College and Tagore Law College to appear for the first year LL.B., examination. Accordingly, Osmania University issued a communication to Y.P.R. Law College and Tagore Law College to permit the candidates of 1991-1992 batch to appear for the LL.B., examination.

The petitioner appeared for first year LL.B., examination in March 1994, second year examination in April 1996, and thereafter, as per the course regulations, he was admitted in the third year course in 1996-1997 in Y.P.R. Law College. Subsequently in 1997, Y.P.R. Law College was ordered to be closed down. The petitioner obtained transfer certificate on 20.11.1997 and then applied to Osmania University to appear for the final year examination. On 20.11.1998 Osmania University published a list of final year examination candidates whose applications were accepted and whose applications were rejected. The petitioner's case was rejected. Aggrieved by which, the present writ petition is filed.

The Registrar of Osmania University has filed a counter affidavit. It is stated that pursuant to a notification issued by the Osmania University on 27.10.1998, the petitioner applied for transfer. However, the Academic Audit Cell (AAC) rejected the request of the petitioner on the ground that the petitioner has already completed six years period from the year of admission and as per the rules, any student shall have to complete the course within double period of the course period. It is stated that the LL.B., course being of three years duration, the petitioner was required to complete the course within six years from the date of admission and as he failed to complete the examination, his case was rejected. The petitioner joined the course during the academic year 1991-1992 and the course has to be completed by 1993-1994. The six years period expired by 1996-1997 and therefore petitioner's application for final year examination during 1998 cannot be accepted. It is also further averred that rule of double the period of duration is applicable to all courses and applying the same, the Director of AAC rejected the application of the petitioner, which is valid and sustainable.

Learned Counsel for the petitioner vehemently contends that the petitioner was allowed to appear for the first year examination in March 1994 pursuant to the orders of the Supreme Court and, therefore, the period of six years must be reckoned from March 1994 in which event, the petitioner is entitled to complete the course by 1999 and not 1997 as contended by the University. **Per contra**, learned Standing Counsel for Osmania University submits that the petitioner joined Y.P.R. Law College in 1991-1992 and, therefore, the period of six years commences from 1991-1992 and not from March 1994, when he was permitted to appear for first year LL.B., examination.

A copy of the communication bearing No.5513/M/674/89/Acad., dated 14.12.1989 addressed by the Registrar of Osmania University to the Principals, Deans and the Heads of Department is placed before this Court. The same reads as under.

Sir/Madam,

Sub:- Time Limit for completing various courses – Reg.

You are aware that as per the existing rules, a candidate admitted to a particular course is required to complete the same in double the period of the duration of the course concerned.

Representations have been received that in case of a three year P.G. Course the time limit for completing the course is prescribed is five years and hence it be raised to six years. The University has considered the matter and decided that for a three year course, the time limit for completing the course shall be six years in stead of 5 years.

I enclose herewith, a statement showing different courses, their duration and the time limit for completing the course for your information and necessary action. You are requested kindly bring this to the notice of all concerned for its strict adherence from the academic year 1989-90.

Yours faithfully,

Sd/-

REGISTRAR

A plain reading of the above would show that by the date of the issue of the said communication, the rules in force provided that a candidate admitted to a particular course is required to complete the course in double the period of the duration of the course concerned. However, insofar as a three year P.G. course is concerned, the time limit for completing the course was five years. Many representations were received by the University for enhancing the period from five years to six years on par with other Graduate and P.G. courses. Accordingly, the University considered the representations and decided that for a three years course, time limit for completing the course shall be six years instead of five years. This would show that the six years period for completion of a three year P.G. course has to be reckoned from the date of the admission and not from the date of first year examination. Even the communication dated 06.1.1994 which was issued by the Registrar pursuant to the orders of the Supreme Court does not in any manner alter the situation. The said communication dated 06.1.1994 from the Registrar to the Controller of Examinations and copies of which were marked to Principals of Y.P.R.Law College and Tagore Law College, reads as under.

To

The Controller of Examinations,

Osmania University.

Sub:- Admissions of candidates not allotted by the
Convener, LAW CET-1991 for the academic year
1991-1992 – Decision of the Academic Senate held
on 25.11.1993 – Reg.

Sir,

You are aware that the question of wrong admissions made by Y.P.R. Law College and Tagore Law College i.e., candidates admitted into LL.B. Course who have not passed LAW CET which is against the rule, came up for consideration at the Academic Senate at its meeting held on 25.11.1993. **The Academic Senate, in view of the orders of the Supreme Court, has decided that such of the candidates who have not passed the LAW CET of 1991, but were admitted in the Y.P.R. Law College and Tagore Law College during 1991-1992 be permitted to appear for the examinations subject to obtaining an undertaking from the Managements to the effect that they would not repeat such wrong admissions in future.**

In view of the decision of the Academic Senate and in view of the undertaking given by the Management, you are requested to permit the candidates to appear for the LL.B. Examinations.

Yours faithfully,

Sd/-

REGISTRAR

(emphasis supplied)

The above communication would show that eligibility for appearing the examination was given only to those candidates who are admitted to Y.P.R. Law College during the academic year 1991-1992. This would clinchingly show that for the purpose of reckoning double the period of the duration of the course, it is only the year of admission and not the year when the candidate appeared for first year examination. If the submission of the learned counsel for the petitioner is accepted, the same would result in absurdities. In the case of three year P.G.Course, where the examination at the end of the first year course is not conducted, necessarily double the period of the duration of the course has to be reckoned from the date of admission, as there would be no examination at the end of first year. Further, if the first year examination is taken as criteria for reckoning the period of six years or the double the period of the duration of the course, it would result in academic indiscipline and subvert academic excellence. A student who joins the course is required to adhere – that too strictly; to course regulations. In this case, the petitioner was admitted for the first year LL.B., course in 1991-1992. Merely because for some reason or the other, the petitioner was prevented from appearing for first year LL.B., examination, it does not result in extending the period of the course during which period, he has to complete the course.

The writ petition is devoid of merit and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

March 07, 2006

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Note:L.R.Copy be marked.

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To

(One fair copy to the Hon'ble Mr.Justice V.V.S.RAO (for his Lordships kind perusal)

1. The Registrar, Osmania University, Hyderabad.
2. Directorate of Academic Audit Cell, Osmania University, Hyderabad
3. The Under Secretary, Union of India, Ministry of Law, Justice and
Company Affairs, New Delhi.
4. The Secretary, A.P. Advocates Association Library, High Court
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